

Application No. 09/815,584

Atty Docket: HBES 1032-1

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**REMARKS**

This is in response to the non-final Action mailed 30 July 2004. Claims 1 and 3-9 are currently amended. Claim 2 is canceled. Claims 1 and 3-27 are pending.

**Claim Rejections under 35 USC 102**

Claims 1 and 10-27 are rejected under 35 USC 102(b) as being anticipated by Kirsten (USP 5,724,475).

Claim 1, as amended to include language from now canceled claim 2, includes the following language that is not disclosed by Kirsten:

*an intermediate storage queue, communicatively coupled to the image processing circuitry, that stores representations of a plurality of images having undergone the first stage of image processing in anticipation of the second stage of image processing;*

The Examiner stated on page 5 of the Office Action mailed 30 July 2004 that Kirsten fails to disclose "an intermediate storage queue". Because Kirsten fails to disclose "an intermediate storage queue" as claimed, claim 1 is not anticipated by Kirsten.

Claim 10 includes the following language that is not disclosed by Kirsten:

*an intermediate image storage buffer, communicatively coupled to the processing circuit, that stores one or more image data sets;*

Kirsten fails to disclose "an intermediate image storage buffer" as claimed. Also regarding claim 10, the Examiner did not make a proper rejection under 35 USC 102, because the Examiner did not find the above language of claim 10 in Kirsten. Office Action mailed 30 July 2004, page 3.

Thus, because Kirsten fails to disclose "an intermediate image storage buffer" as claimed and because the Examiner did not find "an intermediate image storage buffer" as claimed, claim 10 is not anticipated by Kirsten.

Claims 11-18 depend from claim 10 and are not anticipated for at least the same reasons.

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Claim 19 includes the following language that is not disclosed by Kirsten:

*selectively storing either the first image data or the second image data in a buffer;*

Kirsten fails to disclose "an intermediate image storage buffer" as claimed. Also regarding claim 19, the Examiner did not make a proper rejection under 35 USC 102, because the Examiner did not find the above language of claim 19 in Kirsten. Office Action mailed 30 July 2004, page 4.

Thus, because Kirsten fails to disclose selective storing "in a buffer" as claimed and because the Examiner did not find selective storing "in a buffer" as claimed, claim 19 is not anticipated by Kirsten.

Claims 20-27 depend from claim 19 and are not anticipated for at least the same reasons.

Accordingly, reconsideration of the rejection of claims 1 and 10-27 is respectfully requested.

#### **Claim Rejections under 35 USC 103**

Claims 2-9 are rejected under 35 USC 103(a) as being unpatentable over Kirsten in view of Schaefer et al. (USP 6,490,000).

Claim 2 is canceled. Because claim 1 is amended with limitations from now canceled claim 2, and claims 3-9 as amended depend from claim 1, in the interests of advancing the prosecution, Applicant discusses the references as applied to claim 1.

The rejection of claims 2-9 over Kirsten in view of Schaefer et al. is improper, because the Examiner did not find all the claim limitations in the references, thereby failing to make a *prima facie* case.

Claim 1 includes the following language that is not disclosed by Kirsten.

*an intermediate storage queue, communicatively coupled to the image processing circuitry, that stores representations of a plurality of*

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*images having undergone the first stage of image processing in anticipation of the second stage of image processing;*

The Examiner argued that the storage sub-system of Kirsten discloses "communicatively coupled to the image processing circuitry, that stores representations of a plurality of images having undergone the first stage of image processing in anticipation of the second stage of image processing". The Examiner is incorrect, because the storage sub-system identified by the Examiner does not store representation of images "in anticipation of the second stage of image processing". Figure 13 of Kirsten shows that the storage sub-system 306 of Kirsten receives a storage data stream 304 from the image processor 302. The accompanying text of Figure 13 at column 17, lines 13-15 explains: "The image processor represents all processing functions to be carried out prior to data storage including digitization, data reduction, and image compression." Thus, in Kirsten, after image data are stored in the storage sub-system, no image processing remains to be performed. In contrast with the storage sub-system of Kirsten, which performs all image processing prior to sending a storage data stream to the storage sub-system, claim 1 as amended has a storage queue which stores image representation "in anticipation of the second stage of image processing".

Because the Examiner did not find all the claim limitations in the references, the Examiner failed to make a *prima facie* case of obviousness.

Claim 2 is canceled. Claims 3-9 as amended depend from claim 1 and are not obvious for at least the same reasons.

Another reason why the rejection is improper is that the combination of references proposed by the Examiner would render a reference unsuitable for its stated purpose.

Claim 1 as amended includes the following limitation from canceled claim 2 that is not disclosed by Kirsten:

*an intermediate storage queue, communicatively coupled to the image processing circuitry, that stores representations of a plurality of images having undergone the first stage of image processing in*

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*anticipation of the second stage of image processing;*

The Examiner notes that Kirsten fails to disclose an "intermediate storage queue" and relies on Schaefer et al. to supply the "intermediate storage queue" missing from Kirsten. However, the modification proposed by the Examiner for combining the buffer of Schaefer with the video system of Kirsten would render the system of Kirsten unsatisfactory for its intended purpose. See MPEP Eighth Edition, Revision 2, page 2100-131. Thus, the rejection of claims 2-9 over Kirsten in view of Schaefer et al. is improper.

The goal of the video system of Kirsten is to record video images without large fluctuations in the image rate and image resolution, as explained in column 16, lines 24-35. Another goal of the video system of Kirsten is to record video images without losing important data, as explained in column 16, lines 26-38.

The video buffer of Schaefer opposes these goals of the video system of Kirsten. The video buffer of Schaefer supports user operations such as pause, play, replay, and fast forward to control a video stream, as explained in column 4, lines 22-25. However, if the video buffer of Schaefer was commanded by the user to pause or fast forward a video stream, then a video system of Kirsten that relied on the video buffer of Schaefer would tend to record the paused or fast forwarded video stream with fluctuations in the image rate, contrary to a goal of Kirsten. Furthermore, contrary to another goal of Kirsten, a video system of Kirsten that relied on the video buffer of Schaefer would tend to record the paused or fast forwarded video stream with losses in important data, due to either receiving no data in the paused state, or dropped data in the fast forwarded state.

Thus, because the combination of the Schaefer et al. reference with the Kirsten reference renders the system of Kirsten unsatisfactory for its intended purpose, the rejection improperly combined Kirsten and Schaefer et al.

Claim 2 is canceled. Claims 3-9 as amended depend from claim 1 and are not obvious for at least the same reasons.

Accordingly, reconsideration of the rejection is respectfully requested.

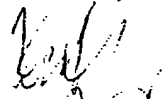
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**CONCLUSION**

Applicant respectfully submits that the pending claims are now in condition for allowance and thereby solicits acceptance of the claims, in light of these amendments.

Respectfully submitted,



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